

Federal Operating Permit Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: Southern Finishing Co., Inc.

Facility Name: Southern Finishing Co., Inc.

Facility Location: 801 East Church Street
Martinsville, Virginia 24115

Registration Number: 30515

Permit Number: WCRO-30515

January 10, 2005

Effective Date

January 9, 2010

Expiration Date

Robert G. Burnley
Director, Department of Environmental Quality

January 5, 2005

Signature Date

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I. Facility Information

Permittee

Southern Finishing Co., Inc.
801 East Church Street
Martinsville VA 24115

Responsible Official

Eddie Jones, Plant Manager

Facility

Southern Finishing Co., Inc.
801 East Church Street
Martinsville VA 24115

Contact Person

David Crowder, Environmental and Worker Health and Safety Manager
276/632-4901

AFS Identification Number: 51-690-0050

Facility Description: SIC Code 2511 (wood household furniture) and 2514 (metal household furniture) – Southern Finishing Company, Inc. is a manufacturer of wood and metal household furniture components. The original source registration (for Pulaski Furniture Corp., Martinsville Div.) was received on November 10, 1972. The facility consists of two small boilers and various woodworking and metal furniture finishing equipment.

One new source review permit dated May 5, 2004 (supercedes permit issued July 2, 2003) to construct and operate 2 metal finishing spray booths and 3 wood finishing spray booths is in effect for this facility.

All other equipment at this facility is covered under the Existing Source Regulations found in 9 VAC 5 Chapter 40.

Federal Regulations applicable to this facility include:

- NSPS - 40 CFR Part 60, Subpart EE (metal furniture manufacturing)
- MACT- 40 CFR Part 63, Subpart RRRR (metal furniture manufacturing)
- MACT - 40 CFR Part 63, Subpart JJ (wood furniture manufacturing)
- MACT - 40 CFR Part 63, Subpart DDDDD (industrial boilers) - note - this rule applies but there are no applicable requirements for the boilers (*small solid fuel*) at this facility
- Compliance Assurance Monitoring (CAM) - 40 CFR Part 64

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device	Pollutant Controlled	Applicable Permit and/or Regulation
Fuel Burning Equipment - 9 VAC 5-40-880 et. seq. (Rule 4-8)					
ES-1	Bigelow Woodwaste/#2 f.o. boiler; installed 1963	9.0 MMBtu/hr	multicyclone	PM	MACT DDDDD**
ES-2	Bigelow Woodwaste/#2 f.o. boiler; installed 1963	9.0 MMBtu/hr	multicyclone	PM	MACT DDDDD**
Woodworking Equipment - 9 VAC 5-40-2250 et. seq. (Rule 4-17)					
ES - 4	various saws, shapers, sanders	varies	5 fabric filters	PM	CAM
Wood Furniture Finishing - 9 VAC 5-40-240 et. seq. (Rule 4-4)					
ES- 3a	12 conventional spray booths	varies	fiber filters or equivalent	PM	MACT JJ CO 10/17/2003
Wood Furniture Finishing - 9 VAC 5-50-240 et. seq. (Chapter 50, Part II, Article 4)					
WB - 1 - 3	3 conventional spray booths	varies	fiber filters or equivalent	PM	nsr 5/5/2004 MACT JJ
Metal Furniture Finishing - 9 VAC 5-50-240 et. seq. (Chapter 50, Part II, Article 4)					
ES- 3b	2 metal finishing spray booths	varies	fiber filters or equivalent	PM	nsr 5/5/2004 NSPS EE MACT RRRR

* The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

** however, there are no applicable requirements for these boilers

III. Fuel Burning Equipment Requirements – (emission unit ID# ES 1,2)

A. Limitations

1. Particulate emissions from each of the Bigelow boilers shall be controlled by the use of a multicyclone.
(9 VAC 5-80-110)
2. The approved fuels for the Bigelow boiler(s) are wood waste and distillate oil. Distillate oil is defined as fuel oil that meets the specifications for fuel oil numbers 1 or 2 under the American Society for Testing and Materials, ASTM D396-78 “Standard Specification for Fuel Oils.” A change in the fuels may require a permit to modify and operate.
(9 VAC 5-80-110)
3. Emissions from the operation of the Bigelow boilers(s) shall not exceed the limits specified below:

Particulate Matter	0.50 lbs/MMBtu
Sulfur Dioxide	26.4 lbs/hr

(9 VAC 5-40-900, 9 VAC 5-40-930, 9 VAC 5-50-260 and 9 VAC 5-80-110)
4. Visible Emissions from each of the Bigelow boiler stacks shall not exceed 20 percent opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60 percent opacity.
(9 VAC 5-40-80 and 9 VAC 5-80-110)
5. Boiler emissions shall be controlled by proper operation and maintenance. Boiler operators shall be trained in the proper operation of all such equipment. Training shall consist of a review and familiarization of the manufacturer's operating instructions, at minimum.
(9 VAC 5-80-110)
6. Except where this permit is more restrictive than the applicable requirement, MACT Subpart DDDDD equipment as described in Section III of this permit (ES 1,2) shall be operated in compliance with the requirements of the MACT. Although MACT Subpart DDDDD (NESHAP for Industrial Boilers) applies, there are no applicable requirements for small solid fuel boilers as defined in §63.7575 of the subpart.
(9 VAC 5-80-110 and 9 VAC 5-60-90)

B. Monitoring

1. At least one time per week an observation of the presence of visible emissions from each operating Bigelow boiler (ES-1 and 2) stack shall be made. If visible emissions are observed

the permittee shall:

- a. take timely corrective action such that the boiler resumes operation with no visible emissions, or,
- b. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the boiler stack does not exceed 20 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed twenty percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the boiler resumes operation with visible emissions of 20 percent or less.

The permittee shall maintain a boiler observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-110)

2. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the Bigelow boilers (ES-1 and 2) and multicyclones:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance for the boilers and multicyclones.
 - b. Develop an inspection schedule, monthly at a minimum, to insure operational integrity of the boilers and multicyclones and maintain records of inspection results.
 - c. Have available written operating procedures for the boilers and multicyclones. These procedures shall be based on the manufacturer's recommendations, at minimum, if such recommendations exist.
 - d. Train operators in the proper operation of the boilers and multicyclones and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

(9 VAC 5-80-110 K, 9 VAC 5-80-110 F; 9 VAC 5-170-160)

C. Recordkeeping and Reporting

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the WCRO Regional Director. These records shall include, but are not limited to:
 - a. results of the weekly opacity observation of the Bigelow boiler (ES-1 and 2) stacks, along with any corrective actions,

- b. the annual combustion of each fuel (*wood in millions of btus*, fuel oil in gallons) in the Bigelow boilers (ES-1 and 2), calculated monthly as the sum of each consecutive 12-month period, and
- c. the sulfur content for each shipment of No. 2 fuel oil to be burned in the Bigelow boilers (ES-1 and 2).

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-40-1010, 9 VAC 5-50-50 and 9 VAC 5-80-110)

2. The permittee shall maintain records of the required training including a statement of time, place and nature training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boiler(s). These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.

(9 VAC 5-80-110)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-40-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
SO ₂	EPA Method 6
PM/PM-10	EPA Methods 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

IV. Furniture Finishing Requirements – (emission unit ID#ES 3a)

A. Limitations

1. Visible emissions from the furniture finishing operations (ES-3a) shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60% opacity.
(9 VAC 5-40-80 and 9 VAC 5-80-110)
2. Particulate emissions from the 12 conventional wood finishing spray booths (ES-3a) shall be

controlled by fiber filters or equivalent filters. Each filter shall be provided with adequate access for inspection and shall be in operation when the spray booths are operating.
(Virginia Code §10.1-1186.2 and 10/17/2003 Consent Order)

3. Except where this permit is more restrictive than the applicable requirement, MACT JJ equipment as described in Section IV of this permit (ES 3a) shall be operated in compliance with the requirements of the MACT.
(9 VAC 5-80-110 and 9 VAC 5-60-90)

B. Monitoring

1. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to the process equipment which affect such emissions:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - b. Have available written operating procedures for the spray booths. These procedures shall be based on the manufacturer's recommendations, at minimum, if such recommendations exist.
 - c. Train operators in the proper operation of the spray booths and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.
 - d. Maintain an inventory of spare parts that are needed to minimize durations of equipment breakdowns.
(9 VAC 5-80-110)

C. Recordkeeping and Reporting

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the West Central Regional Office. These records shall include, but are not limited to:
 - a. records required to comply with 40 CFR Part 63, Subpart JJ (Wood Furniture MACT)
These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-80-110)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.

(9 VAC 5-40-30 and 9 VAC 5-80-110)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

V. Furniture Finishing Requirements – (emission unit ID# WB 1-3 and ES 3b)

A. Limitations

1. Particulate emissions from the metal (ES 3b) and wood finishing (WB 1-3) spray booths shall be controlled by a fiber filter or equivalent filter. The filter shall be provided with adequate access for inspection and shall be in operation when the paint booths are operating.
(9 VAC 5-80-110, 9 VAC 5 50-260 and Condition 3 of 5/5/04 Permit)
2. Volatile organic compound emissions from coating in the metal spray booths (ES 3b) are limited to 3.0 lb VOC/gallon as a monthly average.
(9 VAC 5-80-110, 9 VAC 5-40-4780, 9 VAC 5-80-1100, 9 VAC 5 50-260 and Condition 4 of 5/5/04 Permit)
3. Fugitive VOC emission controls shall include the following, or equivalent, as a minimum. Volatile organic compounds shall not be intentionally spilled, discarded to sewers, stored in open containers or handled in any other manner that would result in evaporation beyond that consistent with air pollution control practices for minimizing emissions.
(9 VAC 5-80-110, 9 VAC 5-50-20, 9 VAC 5 50-260, 9 VAC 5-50-90 and Condition 5 of 5/5/04 Permit)
4. The annual throughput of HAPs to the two metal finishing spray booths (ES 3b) combined shall be zero (0), calculated monthly as the sum of each consecutive twelve (12) month period.
(9 VAC 5-80-110, 9 VAC 5-80-1100, 9 VAC 5 60-90, 40 CFR 63 Subpart RRRR and Condition 6 of 5/5/04 Permit)
5. The annual throughput of volatile organic compounds to the new wood coating spray booths (WB 1-3) and the two metal finishing spray booths (ES 3b) combined shall not exceed 39.4 tons per year, calculated monthly as the sum of each consecutive twelve (12) month period.
(9 VAC 5-80-110, 9 VAC 5-80-1100, 9 VAC 5 80-1700 and Condition 7 of 5/5/04 Permit)
6. Visible emissions from each spray booth exhaust shall not exceed 5% opacity as determined by

EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.
(9 VAC 5-50-80, 9 VAC 5-50-260, 9 VAC 5-50-410, 9 VAC 5-80-110 and Condition 11 of 5/5/04 Permit)

7. Emissions from the operation of the new wood coating spray booths (WB 1-3) and the two metal finishing spray booths (ES 3b) combined shall not exceed the limits specified below:

Volatile Organic Compounds	3.3 tons/month	39.4 tons/yr
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(9 VAC 5-80-110, 9 VAC 5-80-1700, 9 VAC 5-50-260, 9 VAC 5-50-1180 and Condition 8 of 5/5/04 Permit)

8. Emissions from the operation of all the metal finishing spray booths (ES 3b) shall not exceed the limits specified below in accordance with NSPS EE:

Volatile Organic Compounds	0.9 kilogram of VOC/liter of solids applied = 7.51 lbs VOC/gallon solids applied
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(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-1180, 9 VAC 5-50-410, 40 CFR 60.312 and Condition 9 of 5/5/04 Permit)

9. Coatings, thinners, and cleaning materials used in the metal finishing spray booths (ES 3b) shall contain no hazardous air pollutants (HAPs), as defined by §112(b) of the Clean Air Act, in accordance with MACT RRRR. Compliance with this condition is required upon the MACT compliance date for a “new” source.
(9 VAC 5-80-110, 9 VAC 5-170-160, 40 CFR Part 63 Subpart RRRR, 9 VAC 5-60-100 and Condition 10 of 5/5/04 Permit)

10. Except where this permit is more restrictive than the applicable requirement, NSPS EE, MACT JJ, and MACT RRRR the new wood coating spray booths (WB 1-3) and the two metal finishing spray booths (ES 3b) shall be operated in compliance with the requirements of the NSPS and MACT.
(9 VAC 5-80-110, 9 VAC 5-50-400, 9 VAC 5-60-90, and 9 VAC 5-50-410 and Condition 12 of 5/5/04 Permit)

B. Monitoring

1. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, and process equipment which affect such emissions:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.

- b. Maintain an inventory of spare parts.
- c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
- d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training. Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
(9 VAC 5-50-20 E, 9 VAC 5-80-110 and Condition 20 of 5/5/04 Permit)

C. Recordkeeping and Reporting

- 1. The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the West Central Regional Office. These records shall include, but are not limited to:
 - a. Monthly and annual throughput (in tons of VOCs) for the operation of the two metal finishing spray booths and three wood finishing spray booths. Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period.
 - b. Pounds of VOC/gallon coating used in the operation of the two metal finishing booths. VOC content shall be averaged on a monthly basis.
 - c. Material Safety Data Sheets (MSDS), Certified Product Data Sheets, or other vendor information showing VOC content, HAP content, water content, and solids content for each coating, thinner, and cleaning material used.
 - d. Monthly and annual VOC emissions. Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period.
 - e. Kilograms of VOC per liter of solids applied or lbs. of VOC per gallon of solids applied for each coating, thinner, and cleaning material used in the two metal finishing booths.
 - f. Quantities of coatings, thinners, and cleaning materials used calculated monthly as the sum of each consecutive 12-month period.These records shall be available for inspection by the DEQ and shall be current for at least the most recent five years.
(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 14 of 5/5/04 Permit)

D. Testing

- 1. The permitted facility shall be constructed so as to allow for emissions testing at any time using

appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.

(9 VAC 5-50-30 and 9 VAC 5-80-110)

2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
VOC	EPA Methods 18, 25, 25a
VOC Content	EPA Methods 24, 24a
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

VI. Woodworking Requirements – (emission unit ID# ES-4)

A. Limitations

1. Particulate emissions from the woodworking equipment shall be controlled by five separate fabric filters. The fabric filters shall be provided with adequate access for inspection.
(9 VAC 5-80-110)
2. Visible emissions from the fabric filters associated with woodworking equipment (ES-4) shall not exceed 20% opacity except during one six-minute period in any one hour in which visible emissions shall not exceed 60% opacity.
(9 VAC 5-40-80 and 9 VAC 5-80-110)
3. Emissions from the operation of the woodworking equipment (ES-4) shall not exceed the limits specified below:

Particulate Matter 0.05 grains per standard cubic feet of exhaust gas

(9 VAC 5-80-110)

B. Monitoring

1. Each fabric filter shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained by the permittee such that it is in proper working order at all times.
(9 VAC 5-80-110, 40 CFR Part 64 (§64.1 - 64.10))
2. At least one time per week an observation of the presence of visible emissions from each operating fabric filter exhaust shall be made. If visible emissions are observed the permittee shall:

- a. take timely corrective action such that the fabric filter resumes operation with no visible emissions, or,
- b. perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the fabric filter does not exceed 20 percent opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed twenty percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the fabric filter resumes operation with visible emissions of 20 percent or less.

The permittee shall maintain a fabric filter observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action.

(9 VAC 5-80-110)

C. Recordkeeping and Reporting

1. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the West Central Regional Office. These records shall include, but are not limited to:
 - a. results of the weekly opacity observation of the fabric filter exhausts, along with any corrective actions,
 - b. results of weekly observations of the pressure drop readings and verification that the reading is indicative that the fabric filters are operating in accordance with manufacture specifications

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-80-110)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports shall be provided at the appropriate locations.
(9 VAC 5-40-30 and 9 VAC 5-80-110)
2. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
PM/PM-10	EPA Method 5, 17
Visible Emission	EPA Method 9

(9 VAC 5-80-110)

VII. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Unit No.	Emission Unit	Citation	Pollutant(s) Emitted	Rated Capacity
	Lumber Dry Kilns		VOC	no longer in use

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VIII. Compliance Plan

Not Applicable

IX. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
none identified	n/a	n/a

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

X. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.

- e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
- (9 VAC 5-80-110 F)
- 2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
 - 3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”
- (9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible

official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the West Central Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition X.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the West Central Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in

operation, the owner shall notify the West Central Regional Office.
(9 VAC 5-20-180 C)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E and 9 VAC 5-40-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.
(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and

corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.

3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

XI. State-Only Enforceable Requirements

Not Applicable